

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 3, 2000  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Edwards.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Acting Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, he read the following proclamations declaring April 22 as Earth Day, April as Fair Housing Month, and April 8 as Lead Awareness Day in the City of Durham.

Council Member Jacobs announced that Women-in-Action will hold its 10<sup>th</sup> Annual Founder's Award Banquet on Thursday, April 13, 2000 at the Civic Center.

Mayor Pro Tempore Clement announced that he participated, along with Council Members Blyth and Stith, in the 26<sup>th</sup> Annual Crop Walk Event held April 2, 2000 and commended the Crop Walk Committee.

Mayor Tennyson welcomed Council Member Langley upon her return due to surgery.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell stated that he would like to provide background for the following item and recognized Ted Abernathy, Manager of the Economic & Employment Development Office.

**SUBJECT: AMERICAN TOBACCO COMPANY**

To adopt a "Resolution in Support of the American Tobacco Downtown Development Project."

Ted Abernathy, of the Economic & Employment Development Office, commented on the American Tobacco project.

Mike Hill, of Capitol Broadcasting Company, made a presentation on the American Tobacco Downtown Development Project outlining the vision of the project and noting that it can happen.

Ted Abernathy, of the Economic & Employment Development Office, outlined the project goals and gave an overview of changes to the resolution in support of the American Tobacco Downtown Development Project.

City Manager Ewell noted that copies of the illustration will be placed in the lobby area for public view.

The following individuals spoke in support of the project: Bill Kalkhof (handout distributed), Dave Lamm, James Sansom, Larry Holt, John Compton, Joel Kostyu Curt Eshelman, Ted Conner, and Ralph McKinney.

City Council held discussion in support of the project.

Council Member Cheek disclosed that his law firm represents Capitol Broadcasting Company and will have to abstain from voting on this item.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Blyth to adopt a “Resolution in Support of the American Tobacco Downtown Development Project” was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Abstention: Council Member Cheek. Absent: Council Member Edwards.

City Attorney Blinder asked for a brief closed session after the regular business of Council to discuss pending litigation, Wright vs. City of Durham.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to go into closed session after the regular business of Council to discuss pending litigation was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

No priority items from the City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. [NO ITEMS PULLED FROM THE CONSENT AGENDA]

**MOTION** by Council Member Larson seconded by Council Member Cheek to approve the Consent Agenda as amended was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

## **SUBJECT: DURHAM AREA TRANSIT AUTHORITY - APPOINTMENTS**

**MOTION** by Council Member Larson seconded by Council Member Cheek to re-appoint Donna C. Permar, Regular Member representing Disabled, and to appoint Bruce Allen Peterson, Alternate Member representing At-Large, with terms expiring March 1, 2003 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENT**

**MOTION** by Council Member Larson seconded by Council Member Cheek to appoint Francina Lewis Muse to the Human Relations Commission for a term to expire June 30, 2001 (Mayor Nicholas Tennyson's nomination) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent Council Member Edwards.

**SUBJECT: POLICE DEPARTMENT'S THIRD AND FOURTH QUARTERLY STATUS REPORT FOR CALENDAR YEAR 1999**

**MOTION** by Council Member Larson seconded by Council Member Cheek to receive the Police Department's Quarterly Status Report for the Third and Fourth Quarters of Calendar Year 1999 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: UPDATE ON WORKFORCE INVESTMENT ACT AND YOUTH ACTIVITIES**

**MOTION** by Council Member Larson seconded by Council Member Cheek to receive a presentation by the Greater Durham Workforce Development Board Youth Council Chair General George Walls, Jr. was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: PRIVATE SALE OF 866 ESTES STREET (CITY TRACT #1845) TO DELICIONE JOHNSON (SOUTHWEST CENTRAL DURHAM REVITALIZATION)**

**MOTION** by Council Member Larson seconded by Council Member Cheek to accept the offer of \$56,000 from Delicione Johnson to purchase property at 866 Estes Street, and to authorize the conveyance of the property by a non-warranty deed was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: PRIVATE SALE OF REAL PROPERTY AT 919, 927, 933 AND 945 EAST MAIN STREET TO HAYTI DEVELOPMENT CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt a resolution authorizing the private sale of real property at 919, 927, 933 and 945 East Main Street to Hayti Development Corporation for a total of \$67,722 by the City Manager under the authority of G.S. 160A-279 pursuant to the sales procedure provided for in G.S. 160A-267 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: \$2,700,000 DRINKING WATER STATE REVOLVING FUND LOAN - REHABILITATION AND UPGRADING OF THE WILLIAMS AND BROWN WATER TREATMENT PLANTS**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt a revised "Resolution of the City Council of Durham Authorizing the City Manager to Accept a Loan Offered by the State of North Carolina for Aid in Funding the Rehabilitation and Upgrading of the Williams and Brown Water Treatment Plants" to conform to requirements of the Local Government Commission, North Carolina Department of State Treasurer was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

[**Note:** Council initially approved the resolution on December 6, 1999--the revised resolution does not change the amount, purpose, or content of the loan.]

**SUBJECT: CONTRACT FOR CLAIMS ADMINISTRATION - CORPORATE CLAIMS & ADJUSTING, LTD. [JANUARY 1, 2000 – DECEMBER 31, 2002]**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a contract with Corporate Claims & Adjusting, Ltd., for the purchase of claims administration services at an annual cost not to exceed \$164,575 in the first year, \$181,450 in the second year, and \$194,575 in the third year, for the period January 1, 2000 through December 31, 2002 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT SEWER BACK-UP CLAIM - 2609 OWEN STREET**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to pay \$10,282.66 for damages from a sewer back-up at 2609 Owen Street was approved at

7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: CLAIM FROM WATER LINE BREAK - 321 SOUTH RIVERDALE DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to pay \$3,600 from property damages caused by a water line break at 321 South Riverdale Drive was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SELECTION OF EXTERNAL AUDITOR - CHERRY, BEKAERT AND HOLLAND LLP**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a contract with Cherry, Bekaert and Holland LLP at a cost of \$52,500 to provide audit services to the City of Durham for the fiscal year ending June 30, 2000 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: AGREEMENT WITH C2 CONSULTING SERVICES, INC. TO ESTABLISH FEES TO COVER COST OF MANAGING THE CITY'S RIGHTS-OF-WAY AND TO ESTABLISH A RENTAL FEE BASED ON THE LAND VALUE OF THE RIGHTS-OF-WAY - C2 CONSULTING SERVICES, INC.**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into an Agreement with C2 Consulting Services, Inc. in the amount of \$47,000 to establish fees to cover cost of managing the City's rights-of-way and to establish a rental fee based on the land value of the rights-of-way was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - \$174,000**

**MOTION** by Council Member Larson seconded by Council Member Cheek to approve the reallocation of Community Development Block Grant funds in the amount of \$174,000 from the

Fayetteville Street Improvement Project to the Economic Development Commercial Loan Pool was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: CABLE TV ADVISORY BOARD - APPOINTMENTS**

**MOTION** by Council Member Larson seconded by Council Member Cheek to appoint Richard Habersham Lesesne and James Edward Vaughn to the Cable TV Advisory Board with terms to expire December 31, 2000 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION - APPOINTMENTS**

**MOTION** by Council Member Larson seconded by Council Member Cheek to appoint the following citizens to fill four vacancies on the Durham Open Space and Trails Commission as shown was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**Lydia Lavelle**--Ward 2 (term expires 6-30-02)  
**Valjeanne Jones-Williams**--Ward 3 (term expires 6-30-01)  
**John M. Wildey**--Ward 4 (term expires 6-30-02)  
**R. Kelly Bryant**--At-Large (term expires 6-30-02).

**SUBJECT: ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENTS**

**MOTION** by Council Member Larson seconded by Council Member Cheek to appoint James L. Conner, II (representing Attorney) with term to expire June 1, 2001 and Stephen Hiltner (representing Biological Sciences) with term to expire June 1, 2002 to the Environmental Affairs Board was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SITE PLAN APPROVAL - DUKE UNIVERSITY HEALTHY SYSTEMS LAUNDRY**

**MOTION** by Council Member Larson seconded by Council Member Cheek prove a site plan for

the Duke University Health Systems Laundry, submitted by Coulter Jewell Thames P.A., consisting of a 60,596 square foot industrial laundry facility with 78 parking spaces on a 6.012 acre tract, zoned I-2, and located on the southeast corner of the intersection of Person and Anson Streets (Tax Map 560-2-11) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SITE PLAN APPROVAL - COUNTY OF DURHAM ANIMAL CONTROL SHELTER OFFICE ADDITION**

**MOTION** by Council Member Larson seconded by Council Member Cheek to approve a site plan for the County of Durham Animal Control Shelter Office Addition, submitted by Dennis Nicholson, consisting of a 1,344 square foot office unit addition to the existing 14,148 square foot animal control shelter facility on a 3.22 acre tract, zoned I-2 and F/J-B, and located on the north side of East Club Boulevard and west of Glenn Road (Tax Map #618-1-1A) (PIN Number 0842-01-28-4655) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SITE PLAN APPROVAL - 2635 AND 2645 MERIDIAN**

**MOTION** by Council Member Larson seconded by Council Member Cheek to approve a site plan submitted by the John R. McAdams Company, on behalf of CMD Realty Investors, for two office buildings of 62,420 square feet (2635 Meridian) and 80,850 square feet (2645 Meridian) on two lots totaling 12.883 acres, zoned I-2 and F/J-B, and located north of I-40, west of NC 55, at the western end of Meridian Drive, south of the proposed Woodcroft Parkway Extension and Blue Stone Drive, within the Meridian Business Center (Tax Maps #548-1-32 and 33) (PIN Numbers 7082-02-87-0556 and 88-2097) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SITE PLAN APPROVAL - CITY OF DURHAM PROPERTIES AND FACILITIES MANAGEMENT CENTER**

**MOTION** by Council Member Larson seconded by Council Member Cheek to approve a site plan for the City of Durham Properties and Facilities Management Center, submitted by Coulter Jewell Thames P.A., consisting of an asset management facility with 61,864 square feet of gross floor area on a 19.24 acre portion of a 39.93 acre tract, zoned I-2 and F/J-B, and located on the west side of Fay Street and north of East Geer Street (Tax Maps Numbers 219-1-1, 2, 3 and 143-1-7; PIN Numbers 0832-19-60-0855, 0832-19-61-5628, 0832-19-61-9629, and 0832-19-61-9769) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and

Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: PROPOSED CEMETERY ORDINANCE CHANGES**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt "An Ordinance Rewriting the Provisions of Articles I-III, Chapter 7 of the Durham City Code Pertaining to Cemeteries"; and

To adopt a "Resolution Establishing Schedule of All Cemetery Charges" was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: LICENSE AGREEMENT WITH RHYTHMS NETCONNECTIONS, INC.**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to execute an interim license agreement with Rhythms NetConnections, Inc. for installation of copper cable underneath Neal Road; and

To authorize the City Manager to make revisions to such agreement, provided such revisions do not substantially decrease the requirements imposed upon Rhythms NetConnections, Inc. was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SEWER EXTENSION AGREEMENT - C.A.I. GROUP, LLC - HILLSBOROUGH ROAD COMMERCE PARK**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a Sewer Extension Agreement with C.A.I. Group, LLC to extend City sewer to serve Hillsborough Road Commerce Park, a 2.54 acre commercial site located on the south side of Hillsborough Road across from Anthony Drive was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - DURHAM MEMORIAL BAPTIST CHURCH**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Durham Memorial Baptist



Church to extend City water and sewer to serve a proposed church on a 12.2 acre site located on the east side of Robbins Road south of Wake Forest Highway (NC 98) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: WATER EXTENSION AGREEMENT - VILLAGE PARTNERS, INC. -  
PAGEMOOR**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a Water Extension Agreement with Village Partners, Inc. to extend City water to serve Pagemoor, a 11.9 acre, 37 single family residential unit subdivision located west of Page Road and south of Hollman Drive was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: WATER EXTENSION AGREEMENT - JAMES D. GOLDSTON, JR. -  
BURTON ROAD**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a Water Extension Agreement with James D. Goldston, Jr. to extend City water to serve Burton Road, a 157.3 acre, 400 single family residential unit subdivision located on the east side of Burton Road and south of Cooksbury Road was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: WATER EXTENSION AGREEMENT - MPM INVESTORS, LLC, MIKE  
MURRAY'S MINI STORAGE**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a Water Extension Agreement with MPM Investors, LLC to extend City water to serve Mike Murray's Mini Storage, a 6.1 acre mini-storage site located on the south side of Junction Road west of Cheek Road was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SEWER EXTENSION AGREEMENT - NORMAN YEARBY - YEARBY  
AUTOMOTIVE**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into a Sewer Extension Agreement with Norman Yearby to extend City sewer to serve Yearby Automotive, a 0.84 acre commercial site located on the south side of Hillsborough Road just east of Anthony Drive was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: WATER EXTENSION AGREEMENT - TECH DISTRIBUTION PROPERTIES, LLC - TECHNOLOGY PARK DISTRIBUTION WAREHOUSE**

**MOTION** by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to enter into Water Extension Agreement with Tech Distribution Properties, LLC to extend City water to serve Technology Park Distribution Warehouse, a 45.9 acre warehouse complex located at the southwest quadrant of T. W. Alexander Drive and Page Road intersection was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: DURHAM SOLAR COMMUNITIES PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Cheek to endorse the City of Durham and County of Durham joining together to become the third participant in the Solar Communities Program in North Carolina, and to acknowledge that the Solar Communities Program participants will also be designated as participants in the Federal Million Solar Roof Initiative. (The Department of Housing and Community Development has been designated to serve as the City's contact agency for this project) was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: RESOLUTION CONCERNING DRAINAGE REPAIR PROJECT AT 1517 NORTH MIAMI BOULEVARD**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt a "Resolution Authorizing the City of Durham to Fund the Reasonable Costs of the City-Proposed Drainage Repair Project at 1517 North Miami Boulevard" was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SPEED HUMPS - REVISED POLICY**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt the revised City of Durham Speed Hump Policy was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: AMENDMENT TO URBAN GROWTH AREA BOUNDARY - STALLINGS ROAD**

**MOTION** by Council Member Larson seconded by Council Member Cheek to amend the Urban Growth Area Boundary to include the seven parcels of land located on Stallings Road as shown on the map--contingent upon concurring approval by the Durham County Board of Commissioners was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: BID REPORT - JANUARY 2000**

**MOTION** by Council Member Larson seconded by Council Member Cheek to approve and record in the minutes bids and items acted upon by the City Manager during the month of January 2000 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**CITY OF DURHAM NORTH CAROLINA**

July 5, 2001

MEMO TO: P. Lamont Ewell  
City Manager

THROUGH: John G. Pedersen, Jr.  
Assistant City Manager

THROUGH: Navdeep S. Gill  
Finance Director

THROUGH: Kenneth C. Pennoyer  
Assistant Finance Director

FROM: Joseph W. Clark  
Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **January 2000**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: Contract Extension - Estimated Annual Requirements for Office Supplies**

Purpose of Bid: To furnish City departments/divisions with their annual requirements for office supplies and related office equipment.

Comments: Prestige Office Products is a local company, and has performed well with fast delivery and courteous service during the past year.

Opened: January 5, 1999

Bidders: Prestige Office Products \* \$60,000.00  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Prestige Office Products of Durham, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms in the databank to provide this product.

The workforce statistics for Prestige Office Products are as follows:

Total Workforce	12	
Total # of Females	7	(58%)
Total # of Males	5	(42%)
Total # of Black Males	0	(0%)
Total # of White Males	5	(42%)
Total # of Other Males	0	(0%)
Total # of Black Females	0	(0%)
Total # of White Females	7	(58%)
Total # of Other Females	0	(0%)

Performance Bond: ☒ Waived \_\_\_\_\_ Not Waived \_\_\_\_ Not Required

**2. Bid: Contract Extension - Janitorial Services at South Durham WRF**

Purpose of Bid: To provide twelve (12) months of janitorial service.

Comments: LPSC was considered non-responsive due to past performance.

Opened: March 9, 1999

Bidders:	LPSC Cleaning (non-responsive)	\$16,225.00
	Durham, NC	
	Staunton Sales	*\$16,344.00
	Durham, NC	
	Quality Janitor Service	\$17,685.00
	Durham, NC	
	J A Farrington	\$20,076.00
	Durham, NC	
	T D Cleaning	\$26,574.25
	Durham, NC	

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	49		# Black Males	26	(53.06%)
Total # Females	21	(42.86%)	# White Males	2	(04.08%)
Total # Males	28	(57.14%)	# Other Males	0	(0%)
			# Black Females	1	(02.04%)
			# White Females	20	(40.82%)
			# Other Females	0	(0%)

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Installation of Carpet and Covebase for the Administrative Offices on the 2<sup>nd</sup> floor in City Hall.**

Purpose of Bid:

Comments:

Opened: December 29, 1999

Bidders:	Proctor Flooring	*\$12,360.00
	Durham, NC	

Interior Resources Greensboro, NC	\$14,118.32
ZZYZX Designz Durham, NC	\$23,031.25

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	16		# Black Males	3	(19.00%)
Total # Females	3	(19.00%)	# White Males	10	(63.00%)
Total # Males	13	(81.00%)	# Other Males	0	(0%)
			# Black Females	0	(0%)
			# White Females	3	(19.00%)
			# Other Females	0	(0%)

Performance Bond: \_\_\_\_\_ Waived    \_\_\_\_\_ Not Waived ☒ Not Required  
The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid:                    Installation of Wallpaper and Painted Finishes for Administrative Offices on the 2<sup>nd</sup> floor in City Hall.**

Purpose of Bid:

Comments:

Opened:            December 29, 1999

Bidders:	Boomer Painting Co., Inc.	*\$13,982.00
	Raleigh, NC	
	Langdon/McKenzie Contracting	\$16,954.00
	Garner, NC	
	Jerry Locklear Painting Service	\$34,213.50
	Durham, NC	

\*Awarded based on: ☒ Low Bid    \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	15		# Black Males	10	(66.67%)
Total # Females	1	(06.67%)	# White Males	3	(20.00%)
Total # Males	14	(93.33%)	# Other Males	1	(06.67%)
			# Black Females	1	(06.67%)

# White Females	0	(0%)
# Other Females	0	(0%)

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Furnish and Install Modular Workstations at the Police Department**

Purpose of Bid: To purchase and install modular workstations

Comments: Bids were mailed to three vendors and only one response was received.

Opened: December 30, 1999

Bidders:	Prestige Office Products, Inc. Durham, NC	* \$18,353.15
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\*Awarded based on: \_\_\_\_\_ Low Bid    ☒ Other (See Comments)

## LOCATION OF PERFORMING CONTRACT

Durham, North Carolina

Total Workforce	13		# Black Males	0	(0%)
Total # Females	9	(69%)	# White Males	4	(31%)
Total # Males	4	(31%)	# Other Males	0	(0%)
			# Black Females	0	(0%)
			# White Females	9	(69%)
			# Other Females	0	(0%)

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6. Bid: Furnish and Install HVAC System at Property and Facilities Management**

Purpose of Bid:

Comments: Bids were mailed to six bidders and only one response was received.

Opened: December 30, 1999

Bidders:	Roxboro Heating & Air Roxboro, NC	*\$10,500.00
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\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	7		# Black Males	5	(71.43%)
Total # Females	1	(14.29%)	# White Males	1	(14.29%)
Total # Males	6	(85.71%)	# Other Males	0	(0%)
			# Black Females	0	(0%)
			# White Females	1	(14.29%)
			# Other Females	0	(0%)

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**7. Bid: Self-Contained Breathing Apparatus (SCBA) for HazMat**

Purpose of Bid: To furnish the Fire HazMat Team with SCBA Gear

Comments

Opened: January 5, 2000

Bidders:	C.W. Williams & Company	* \$19,487.64
	Rocky Mount, NC	
	LT Enterprises, Inc.	\$26,100.00
	Greensboro, NC	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

LOCATION OF PERFORMING CONTRACT  
Rocky Mount, North Carolina

Total Workforce	16		# Black Males	0	(0%)
Total # Females	4	(25%)	# White Males	12	(75%)
Total # Males	12	(75%)	# Other Males	0	(0%)
			# Black Females	0	(0%)
			# White Females	4	(25%)
			# Other Females	0	(0%)

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.



**8. Bid: Knuckleboom Loader & Trailer**

Purpose of Bid: To supply the Solid Waste Management department with a  
Knuckleboom Loader & Trailer

Comments:

Opened: January 6, 2000

Bidders:	Cavalier Equipment Corporation	* \$ 93,501.04
	Cloverdale, NC	
	Twin States Equipment, Inc.	\$118,584.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Cavalier Equipment Corporation of Cloverdale, Virginia to determine compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms to provide this product.

The workforce statistics for Cavalier Equipment Corporation are as follows:

	1998		1999		
Total Workforce	23		Total Workforce	26	
Total Females	2	(9%)	Total Females	3	(58%)
Total Males	21	(91%)	Total Males	23	(42%)
Black Males	2	(9%)	Black Males	2	(9%)
White Males	19	(82%)	White Males	21	(81%)
Other Males	0		Other Males	0	
Black Females	0		Black Females	0	
White Females	2	(9%)	White Females	3	(11%)
Other Females	0		Other Females	0	

Performance Bond: ☒ Waived \_\_\_\_\_ Not Waived \_\_\_\_\_ Not Required

**9. Bid: Removal of Piezometers (Wells) Installed at the City Landfill**

Purpose of Bid:

Comments: Bids were mailed to seven vendors and only one responded.

Opened: January 6, 2000

Bidders: NFE Technologies, Inc.  
Morrisville, NC

\*\$19,500.00

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	31		# Black Males	3	(09.68%)
Total # Females	9	(29.03%)	# White Males	13	(41.94%)
Total # Males	22	(70.97%)	# Other Males	6	(19.35%)
			# Black Females	1	(03.23%)
			# White Females	3	(09.68%)
			# Other Females	5	(16.13%)

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**10. Bid: One LGP Crawler Dozer**

Purpose of Bid: To provide the Water & Sewer Maintenance Division with a LGP Crawler Dozer.

Comments: The LGP Crawler Dozer will be used to clear and maintain sewer outfalls.

Opened: January 18, 2000

Bidders:	E. F. Craven Co.	* \$60,819.00
	Raleigh, NC	
	Mitchell Distributing Co.	\$65,418.10
	Raleigh, NC	
	Gregory Poole Equipment Co.	\$72,207.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by E. F. Craven Company of Raleigh, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms to provide this product.

The workforce statistics E. F. Craven are as follows:

	1998		1999
Total Workforce	17	Total Workforce	16
Total Females	2 (12%)	Total Females	2 (12%)
Total Males	15 (88%)	Total Males	14 (88%)
Black Males	1 (6%)	Black Males	1 (6%)
White Males	14 (82%)	White Males	13 (82%)
Other Males	0	Other Males	0
Black Females	0	Black Females	0
White Females	2 (12%)	White Females	2 (12%)
Other Females	0	Other Females	0

Performance Bond: ☒ Waived ☐ Not Waived ☐ Not Required

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT: BIDS - CELLULAR TELEPHONE SERVICE - GTE WIRELESS CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Cheek to accept the bid from GTE Wireless Corporation, in the amount of \$301,728 for furnishing the City with cellular telephone service; and

To authorize the City Manager to enter into a contract with GTE Wireless Corporation, in the amount of \$301,728 for furnishing the City with cellular telephone service; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: BIDS - ONE FIRE AND RESCUE PUMPER - C. W. WILLIAMS & COMPANY, INC**

**MOTION** by Council Member Larson seconded by Council Member Cheek to accept the bid from C. W. Williams & Company, Inc. in the amount of \$210,838 for furnishing the City with a fire and

rescue pumper; and

To authorize the City Manager to enter into a contract with C. W. Williams & Company, Inc. in the amount of \$210,838 for furnishing the City with a fire and rescue pumper; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: JANITORIAL SERVICE AT THE POLICE DEPARTMENT HEADQUARTERS (24 MONTHS) - QUALITY JANITOR SERVICE, INC.**

**MOTION** by Council Member Larson seconded by Council Member Cheek to accept the bid from Quality Janitor Service, Inc. in the amount of \$356,166.48 for providing janitorial services (24 months) at the Police Department Headquarters building; and

To authorize the City Manager to enter into a contract with Quality Janitor Service, Inc. in the amount of \$356,166.48 for providing the City with janitorial services (24 months) at the Police Department Headquarters building; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: BIDS - PAGER RENTAL SERVICE - ARCH COMMUNICATIONS GROUP, INC.**

**MOTION** by Council Member Larson seconded by Council Member Cheek to accept the bid from Arch Communications Group, Inc. in the amount of \$72,840 for furnishing the City with pager rental service; and

To authorize the City Manager to enter into a contract with Arch Communications Group, Inc. in the amount of \$72,840 for furnishing the City with pager rental service; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:54 p.m. by the following

vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: STOP SIGNS - PAGEHURST**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

- a. **Pageford Drive** at Appling Way, northeast corner and
- b. **Sameer Court** at Pageford Drive, southeast corner.

**SUBJECT: TWENTY-FIVE MILE PER HOUR - BENNING STREET**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt an ordinance authorizing a speed limit of 25 miles per hour on Benning Street from Hardee Street to Landon Street was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: STREET ACCEPTANCE - CROASDAILE FARM – PHASE III**

**MOTION** by Council Member Larson seconded by Council Member Cheek to accept the following streets for maintenance by the City of Durham was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

- a. **Goldenrod Place** - from the centerline of Stoneybrook Drive west through the cul-de-sac (789') and
- b. **Winterfield Place** - from the centerline of Goldenrod Place south through the cul-de-sac (217').

**SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY [SIDEWALK: LAKEWOOD AVENUE, - DUKE STREET, VICKERS AVENUE, AND UNIVERSITY DRIVE]**

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt resolutions setting public hearings on Monday, April 17, 2000 to consider ordering the following improvements under the Enabling Act Authority was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

- a. **Sidewalk - Lakewood Avenue (North Side)** from Shepherd Street east to railroad right-of-way;
- b. **Sidewalk - Duke Street (West Side)** from University Drive to Lakewood Avenue and **Duke Street (East Side)** from University Drive to Cobb Street;
- c. **Sidewalk - Vickers Avenue (West Side)** from University Drive north to Proctor Street; and
- d. **Sidewalk - University Drive (West Side)** from Hermitage Court Drive north to Lakewood Avenue.

**[ASSESSMENTS]**

**SUBJECT: SIDEWALK ON HOLLOWAY STREET (SOUTH SIDE) FROM BRYE STREET TO NORTH MIAMI BOULEVARD**

To adopt a resolution confirming the assessment roll for sidewalk on Holloway Street (south side) from Brye Street to North Miami Boulevard.

**MOTION** by Council Member Larson seconded by Council Member Stith to refer this item back to the Administration for new public hearing to be scheduled was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**[IMPROVEMENTS]**

**SUBJECT: SIDEWALK - BROAD STREET (EAST SIDE) FROM SPRUNT AVENUE TO GUESS ROAD (ENABLING ACT AUTHORITY)**

To adopt a resolution ordering sidewalk on Broad Street (east side) from Sprunt Avenue to Guess Road under the Enabling Act Authority.

**MOTION** by Council Member Larson seconded by Council Member Stith to continue public hearing until the May 1, 2000 City Council Meeting was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette,

Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: SEWER MAIN ON RIDDLE ROAD FROM EAST PROPERTY LINE TAX MAP 557-3-6 TO WEST PROPERTY LINE TAX MAP 566-2-26 (ENABLING ACT AUTHORITY)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main improvements on Riddle Road from east property line Tax Map 557-3-6 to west property line Tax Map 566-2-26 under the Enabling Act Authority was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: ALLOCATION OF FUNDS UNDER THE ECONOMIC DEVELOPMENT INVESTMENT POLICY - THE INDRA GROUP, LLC (RENOVATION OF PROPERTY AT 323 FOSTER STREET)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no one desiring to speak, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Stith to receive citizens' comments on the proposed Agreement between The Indra Group, LLC and the City of Durham Regarding Reimbursement for Economic Development Activities; and

To authorize the City Manager to execute the proposed Agreement with The Indra Group, LLC allocating up to \$30,000 in funds under the Economic Development Investment Policy for renovation and improvements to the property at 323 Foster Street, identified by Durham County Tax Map #029-02-007 was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JANUARY 1, 2000 AND FIRE PROTECTION CONTRACT (ADLETT PARK, RENAISSANCE CENTER, LAKE UNITY DEVELOPMENT, RIDGEWOOD II, STONE HILL VII)**

**a. Adlett Park - FY 2000-12**

**1) Annexation**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no one desiring to speak, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Stith to receive citizens' comments concerning the annexation of approximately 13.82 acres of non-contiguous property to the City limits located in the vicinity of Mineral Springs Road and Adlett Lane; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Adlett Park)"--effective June 30, 2000 was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**2) Fire Protection Contract**

**MOTION** by Council Member Larson seconded by Council Member Stith to authorize the City Manager to execute a half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection for Adlett Park was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**b. Renaissance Center - FY 2000-13**

To receive citizens' comments concerning the annexation of approximately 52.76 acres of contiguous property to the City limits located in the southeast quadrant of Fayetteville and Herndon Roads.

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Renaissance Center)"--effective June 30, 2000.

**MOTION** by Council Member Larson seconded by Council Member Stith to refer this item back to the Administration was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**c. Lake Unity Development - FY 2000-14**



As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no one desiring to speak, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Stith to receive citizens' comments concerning the annexation of approximately 194.02 acres of contiguous property to the City limits located in eastern Durham, near the intersection of Fletcher's Chapel and Cheek Roads surrounding the lake known as Lake Unity; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Lake Unity Development)"--effective June 30, 2000 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**d. Ridgewood II - FY 2000-15**

**1) Annexation**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Steve Tilley, of Fletcher Chapel Road, asked for clarification on the 108.53 acres being discussed and who brought the request for annexation forward.

Mayor Tennyson replied, Capital Land Investment.

The public hearing was declared closed by Mayor Tennyson.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of approximately 108.53 acres of non-contiguous property to the City limits located off the west side of North Mineral Springs Road adjacent to Ridgewood I Subdivision; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Ridgewood II)"--effective June 30, 2000 was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**2) Fire Protection Contract**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection for Ridgewood II was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**e. Stone Hill VII - FY 2000-17**

To receive citizens' comments concerning the annexation of 2.61 acres of contiguous property to the City limits located on the north and south sides of Thornwood Drive at the intersection with Obsidian Way.

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Stone Hill VII)"--effective June 30, 2000.

Ruffin Hall, of the Budget Office, requested that the public hearing be continued to the next cycle without further advertising.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to continue public hearing without further advertising until April 17, 2000 City Council Meeting was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: AN ORDINANCE TO AMEND THE STANDARDS OF THE DURHAM ZONING ORDINANCE, SECTION 24 OF THE DURHAM CITY CODE, REGARDING SUPPLEMENTARY REQUIREMENTS FOR ADULT ESTABLISHMENTS**

To receive citizens' comments concerning the proposed ordinance amendment.

To adopt "An Ordinance to Amend the Standards of the Durham Zoning Ordinance, Section 24 of the Durham City Code, Regarding Supplementary Requirements for Adult Establishments."

Norman Standerfer, of the City/County Planning Department, made comments about the amendment, outlined impact of ordinance and that staff recommends approval of the 1,000 foot separation requirement.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tim Oates, representing The Gally, Inc., spoke in opposition to the ordinance amendment noting a

change would have an impact on the property that is ongoing. Further, he indicated for two years, we have purchased a piece of property on Hwy 70 for a topnotch establishment that is 980 feet from the nearest resident. He asked to be treated fairly and would like for the City to honor their commitment. Also, he stated that the site plan is two weeks away from being approved and distributed a letter to Council indicating that they had 90 days to finish.

Council Manager Ewell noted for clarification that a statement was made at the Public Works Committee as to whether or not they would be grandfathered depending where they are in the pipeline.

Yasmin M. Fozard, 2224 Sunnybrook Road, Raleigh, NC spoke in opposition to the ordinance amendment noting the establishment would visually enhance the area, be an elegant project and a good addition for the City. Also she stated they had 90 days to make corrections to the site plan and get it in.

Kennon Borden, of 613 Constitution Drive, spoke in support of the ordinance amendment noting his property would be directly affected by this new ordinance because Borden & Bocook Commercial Real Estate is planning a 100-acre business park for this area. Mr. Borden stated that they are working to change perceptions of this area and to attract new investors, but fear that adult establishments would make the job more difficult.

Larry Jones, of 1012 Homer Street, spoke in opposition to the ordinance amendment urging the City to honor its commitment and stand by what he thought were the rules and regulations.

Council Member Wagstaff stated that she would not support any adult establishment in the North/ East Central Durham area.

City Attorney Blinder briefed Council that the focus of the ordinance and the regulation of those establishments is based on secondary impacts they have rather than on moral judgments on the establishments themselves.

Council Member Blyth noted if the ordinance is passed, it would certainly not render that property undevelopable.

Norman Standerfer, of the City/County Planning Department, replied it would still be zoned as industrial use.

Council Member Blyth expressed concern with the secondary impact results from those establishments.

A motion was made by Council Member Blyth seconded Mayor Pro Tempore Clement to approve this item as printed on agenda with a change from 1,000 to 1,500-foot separation.

Council Member Stith asked if the project would be affected by Council's decision to adopt ordinance amendment.

City Attorney Blinder noted that on the version of the ordinance in the agenda package, both establishments would not be grandfathered, so it would become subject to the new ordinance.

A substitute motion was made by Council Member Stith seconded by Council Member Larson to approve the item as printed on the agenda.

Council Member McKissick asked staff to what extent did they review the pending application to determine whether it's within or outside of this 1,000-foot distance proposed.

Norman Standerfer, of the City/County Planning Department, stated that back in September, there is documentation regarding the fact this ordinance was being considered with different distances in it. Mr. Standerfer also stated they finally filed their permit in November and all they need is site plan approval, but the delay is that they have not complied in three cycles of comments with meeting the requirements of the ordinances.

Council Member McKissick asked staff if any one measured the distance to see if this property is within or outside of the 1,000-foot separation.

Norman Standerfer, of the City/County Planning Department, replied, the property does fall within a 1,000 feet from two directions.

Further discussion by the City Council was held on the 1,000 foot being a reasonable distance of separation, secondary impacts that the ordinance addresses, legal issues, and clarification of ordinance passed by the County Commissioners.

**SUBSTITUTE TO SUBSTITUTE MOTION** was made by Council Member Blyth seconded by Mayor Pro Tempore Clement to approve a 1,000-foot separation between residences and add a clause with a 1,500-foot separation from churches, parks, schools, libraries, and day care facilities **FAILED** at 8:49 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette and Wagstaff. Noes: Mayor Tennyson and Council Members Cheek, Hill, Jacobs, Langley, Larson, McKissick, and Stith. Absent: Council Member Edwards.

**SUBSTITUTE MOTION** by Council Member Stith seconded by Council Member Larson to receive citizens' comments concerning the proposed ordinance amendment; and

To adopt "An Ordinance to Amend the Standards of the Durham Zoning Ordinance, Section 24 of the Durham City Code, Regarding Supplementary Requirements for Adult Establishments" with a 1,000 foot separation requirement was approved at 8:50 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Pro Tempore Clement. Absent: Council Member Edwards.

Mayor Tennyson declared the public hearing closed.

**SUBJECT: BEGGING OR SOLICITING ALMS OR CONTRIBUTIONS**

To adopt an Ordinance to Amend Section 12-28 of the Durham City Code, "Begging or Soliciting Alms or Contributions by Intimidation."

Police Chief Chambers informed Council that an additional WHEREAS (third paragraph) was added to the ordinance.

Bill Kalkhof, representing Downtown Durham, Inc., and Charlie Roberts spoke in support of ordinance.

Council Members held discussion in support of ordinance, and how ordinance would make people feel safer.

Council Member Burnette stated that she would not be supporting ordinance because of inadequate treatment facilities.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an Ordinance to Amend Section 12-28 of the Durham City Code, "Begging or Soliciting Alms or Contributions by Intimidation" as amended was approved at 9:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Burnette. Absent: Council Member Edwards.

**SUBJECT: SEED MONEY LOAN TO UDI COMMUNITY DEVELOPMENT, INC. - HOPE AND RICH STREETS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a seed money no-interest site development loan in the amount of \$15,000 from the City of Durham to UDI Community Development, Inc. to support construction of 32 apartments for the low income elderly on a site at Hope and Rich Streets across from and owned by St. Joseph's AME Church was approved at 9:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: CHANGES AT WHIPPOORWILL PARK**

To endorse staff's decision to close the basketball courts in Whippoorwill Park and to leave the decision concerning activities in Whippoorwill Park to the Administration.

The following individuals spoke in support of closing the basketball courts in Whippoorwill Park noting safety concerns for the children as a result of cars speeding, use of offensive language, a shooting incident and other activities: Christy McGranahan (distributed a list of 911 calls), Betsy

Bagley, Coach Eddie Dennis, Brady Sasse, Bob McGranahan, Janet Harris (also read a letter from Beth Scott Anderson), and Donna Klibanow.

A motion was made by Council Member Jacobs seconded by Council Member Larson to approve the item as printed on the agenda.

Council Member Stith noted that he would be supportive of this item as a first step and that Council needs to be committed to providing resources and support to Parks & Recreation so that all parks are safe throughout the entire city.

Council Member Wagstaff stated that she has a problem with the issue of taking the basketball goals down as a resolution to the problem.

Council Member Larson spoke in support of the item and noted the need for design changes at the park.

Council Member McKissick asked staff what alternative activities do you envision taking place in this area.

Johnny Ford, of Parks and Recreation Department, replied that the overall Master Plan calls for a basketball court complex, and relative to Whippoorwill Park, they will be looking at a redesign process.

Council Member McKissick asked staff to pay close attention to the concerns of the neighborhoods.

Council held discussion on improving and making all parks safe throughout Durham.

**SUBSTITUTE MOTION** by Council Member Blyth seconded by Mayor Pro Tempore Clement to endorse staff's decision to close the basketball court complex in Whippoorwill Park and to direct the City Manager to conduct a thorough review and evaluation of criminal activities at all city parks and bring back recommendations for consideration during the upcoming budget that will include, but not necessarily limited to, consideration of funding for the redesign of parks where necessary in order to make them safe for the public was approved at 9:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: LEGISLATIVE PROGRAM - SHORT SESSION**

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Blyth to receive a report from the Legislative Committee; and

To receive an additional report from the Legislative Committee on three items recommended to be deferred for consideration at the time the City's legislative program is developed for the 2001 long

session; and

To approve the following items [recommended by the Legislative Committee] for inclusion in the short session was approved at 9:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

## **I. CHARTER AMENDMENTS/LOCAL BILLS**

1. Allow the City the authority to use cameras at intersections to catch drivers who fail to stop at red lights [from Mr. Clement and Mr. McKissick].
2. Provide for a three-year statute of limitations for actions against the City where no other specific statute of limitations applies [from City Attorney's office].
3. Make a technical correction to Charter Section 102.5, to require an owner of rental property to notify the City of a change regarding the owner's authorized agent for service of process by not more rather than not less than 10 days after the change [from Housing Department].
4. Specify that the remedy for a use of public enterprise funds that is judicially determined to be outside the scope of public enterprise statutes but otherwise a permissible municipal activity is to refund the applicable public enterprise fund [from Public Works Department and City Attorney's office.]
5. Authorize the City to decline to award bids to persons who are supplying apparel and other textile products made under "sweatshop" working conditions [from citizen and Council meeting].

## **II. GENERAL LAW**

1. Authorize administrative search warrants to be served at hours other than from 8:00 a.m. to 8:00 p.m. where there is probable cause to believe that the activity which justifies the warrant is occurring at other times [from Planning Department]—{recognizing that further support for this item in the long session may very well be required}

## **III. CARRYOVERS**

1. Senate Bill 701 - Local bill to allow City Council to identify additional criteria, such as sexual orientation, upon which to prohibit discrimination.

## **IV. OTHER**

1. Resolution in support of Downtown Durham Inc.'s legislative program [from Downtown Durham Inc.].

2. Resolution in support of legislation which may be introduced by the North Carolina League of Municipalities, possibly in conjunction with the North Carolina Department of the Environment and Natural Resources, to allow stormwater fees to be used for nonstructural programs that limit the amount of storm water pollution flowing into the waterways of the City [from Public Works Department].
3. Resolution in support of efforts by the North Carolina League of Municipalities to have a Legislative Study Commission established to study the issue of payment of fees by telecommunications providers for use of municipal rights of way [from City Administration].
4. Resolution in support of action by the General Assembly to provide local governments with a menu of new revenue measures for local and regional transportation needs, including but not limited to the possibility of a local option regional motor vehicle fuel tax.

**NOTE: Listed below are three items recommended to be deferred for consideration at the time the City's legislative program is developed for the 2001 long session:**

1. Authorize the City to require owners of buildings and structures located within designated historic districts to maintain and preserve the condition of the property [from Mr. McKissick]
2. Resolution for a Moratorium on the Death Penalty [from Mr. Clement]
3. Require the Division of Motor Vehicles to withhold issuance of motor vehicle license registration renewals from the owners of vehicles with unpaid parking tickets [from Mr. McKissick]

**SUBJECT: DOUBLETAKE DOCUMENTARY FILM FESTIVAL - REQUEST FOR PERMISSION TO ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE CIVIC CENTER PLAZA, APRIL 6, 2000**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a request by DoubleTake Documentary Film Festival to allow guests to consume alcoholic beverages on the Civic Center Plaza at the DoubleTake Documentary Film Festival opening night party on Thursday evening April 6, 2000 was approved at 9:57 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Burnette, Stith and Wagstaff. Absent: Council Member Edwards.

**SUBJECT: FUNDING STRATEGY FOR DATA SERVICE AND FACILITY EXPANSION**



**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt the strategy as listed in the attached memorandum to fund the DATA service and facility expansion was approved at 9:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

**SUBJECT: DURHAM PUBLIC SCHOOLS EDUCATION INITIATIVE: CLOSING THE ACHIEVEMENT GAP**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to support the Durham Public Schools Education Initiative: Closing the Achievement Gap and to appoint Mayor Pro Tempore Clement to serve as the City Council representative for this Initiative was approved at 10:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Edwards.

Council Member Blyth requested the City Manager to fax agenda changes to Council on the Monday morning of the City Council Meeting.

There being no further business to come before the City Council, the meeting was adjourned into closed session at 10:03 p.m.

D. Ann Gray, CMC  
City Clerk